

Attorney Docket: 030400  
U.S. Application No.: 10/673,849 Examiner: Deane Art Unit: 2614  
Response to July 25, 2007 Office Action

### **REMARKS**

In response to the Office Action dated July 25, 2007, the Assignee respectfully requests reconsideration based on the above amendments and on the following remarks.

Claims 1-24 are pending in this application.

#### **Rejection of Claims Under § 103 (a)**

The Office rejects claims 1-3 and 6-25 under 35 U.S.C. § 103 (a) as being obvious over U.S. Patent Application Publication 2002/0141559 to Gurgun.

Claims 1-3 and 6-25, however, cannot be obvious over *Gurgun*. These claims recite, or incorporate, many features that are not disclosed or suggested by *Gurgun*. Independent claim 1, for example, recites "*causing an initial alert to the receiving party to alert of the incoming communication*" (emphasis added). Support for such features may be found at least at paragraph [0008] of the as-filed application. Independent claim 1 also recites "*thereafter, ... suppressing subsequent alerts of the incoming communication according to the timing parameter, such that after the initial alert is caused, the subsequent alerts are deactivated*" (emphasis added). Support for such features may be found at least at paragraph [0008] of the as-filed application. Independent claim 1 is reproduced below, and independent claims 9, 13, 18, 23, and 24 recite similar features.

1. A system providing call waiting suppression, comprising:

means for processing an incoming communication to a receiving party's communications device, the receiving party's communication device already engaged in an ongoing communication;

means for processing an incoming communications signal, the incoming communications signal from a calling party's communications device to the receiving party's communications device;

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means for associating a call waiting suppression profile with the receiving party, the call waiting suppression profile comprising a timing parameter for suppressing alerts of the incoming communications signal to the receiving party's communications device;

means for causing an initial alert to the receiving party to alert of the incoming communication; and

thereafter, means for suppressing subsequent alerts of the incoming communication according to the timing parameter, such that after the initial alert is caused, the subsequent alerts are deactivated.

*Gurgun* cannot obviate all these features. *Gurgun* discloses a "selective call waiting service." U.S. Patent Application Publication 2002/0141559 to *Gurgun* at paragraph [0015]. *Gurgun* allows a subscriber to define a list of callers. *See id.* When a call is received from a caller in the list, call waiting service may (or may not) be activated. *See id.* at paragraph [0019]. *Gurgun* also discloses a "time period" in which call waiting service may (or may not) be activated. *See id.* at paragraphs [0019] and [0020]. *Gurgun*, more specifically, discloses that the time period "is used to determine whether the time of the incoming call falls within a time period during which call waiting interruption is allowed." U.S. Patent Application Publication 2002/0141559 to *Gurgun* at paragraph [0021] (emphasis added). *See also id.* at paragraph [0022].

Independent claims 1, 9, 13, 18, 23, and 24, then, cannot be obvious over *Gurgun*. While *Gurgun* discloses a time period, *Gurgun* does not teach or suggest "causing an initial alert to the receiving party to alert of the incoming communication" (emphasis added). *Gurgun* also does not teach or suggest "thereafter, ... suppressing subsequent alerts of the incoming communication according to the timing parameter, such that after the initial alert is caused, the subsequent alerts are deactivated" (emphasis added). The published application to *Gurgun*, quite simply, fails to teach or suggest an initial alert and the suppression of subsequent alerts. *Gurgun*, then, cannot obviate independent claims 1, 9, 13, 18, 23, and 24.

Moreover, the dependent claims recite additional, distinguishing features. Dependent claims 4, 12, 16, and 21 similarly recite "silencing a second, subsequent audible alert of the

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*incoming communication.*” Support for such features may be found at least at paragraph [0013] of the as-filed application. Dependent claim 6 recites “*causing an initial audible alert to the receiving party,*” “*silencing all subsequent audible alerts,*” and “*sending caller identification information [that alerts] the receiving party to the incoming communication.*” Support for such features may be found at least at paragraph [0021] of the as-filed application. Dependent claim 7 recites “*when the incoming communication is from an unknown party, then further comprising means for suppressing the initial alert.*” Support for such features may be found at least at paragraph [0021] of the as-filed application. The published application to Gurgun is silent to all these features.

Claims 1-3 and 6-25, then, cannot be obvious over *Gurgun*. The published application to Gurgun fails to teach or suggest many features recited by independent claims 1, 9, 13, 18, 23, and 24. Their respective dependent claims incorporate these same features and recite additional features. Claims 1-3 and 6-25, then, cannot be obvious over *Gurgun*, so the Office is respectfully requested to remove the § 103 (a) rejection of these claims.

#### **Rejection of Claim 5 Under § 103 (a)**

The Office also rejected claim 5 under 35 U.S.C. § 103 (a) as being obvious over Gurgun in view of U.S. Patent 6,631,188 to Sands. Claim 5, however, depends from independent claim 1. As the above paragraphs explained, *Gurgun* is silent to all the features of independent claim 1, and *Sands* does not cure these deficiencies. *Sands* discloses a dynamic call waiting service in which certain callers are routed to call waiting service, which other callers receive a different treatment. Still, though, the proposed combination of *Gurgun* and *Sands* is silent to “*causing an initial alert to the receiving party to alert of the incoming communication*” (emphasis added). The proposed combination of *Gurgun* and *Sands* also fails to teach or suggest “*thereafter, ... suppressing subsequent alerts of the incoming communication according to the timing parameter, such that after the initial alert is caused, the subsequent alerts are deactivated*” (emphasis added). Because claim 5 incorporates these same distinguishing features, claim 5

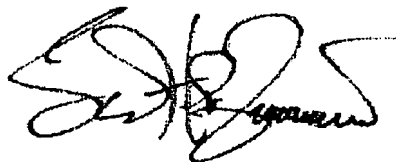
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cannot be obvious. The Office is respectfully requested to remove the § 103 (a) rejection of claim 5.

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If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or [scott@scottzimmerman.com](mailto:scott@scottzimmerman.com).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Scott P. Zimmerman', with a stylized flourish at the end.

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